

# Exhibit 75

MITCHELL, HERZOG & KLINGSPORN

A LIMITED LIABILITY PARTNERSHIP  
ATTORNEYS AT LAW

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TELEPHONE (650) 327-7476

KENT MITCHELL  
RICHARD R. HERZOG, RET.  
GREGORY K. KLINGSPORN

FACSIMILE NUMBER  
(650) 327-7994

June 21, 2007

Federal Express

Jonathan T. Smith, Esq.  
Chief Counsel  
San Francisco BCDC  
50 California Street, Suite 2600  
San Francisco, CA 94111

Re: Permit No. 2-02, Mark Sanders (Westpoint Marina)

Dear Mr. Smith:

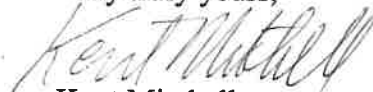
Enclosed is the final Notice of Conditions, Covenants and Restrictions Affecting the Westpoint Marina property and one extra copy. All changes have been made which you requested in your April 5, 2007, email, a copy of which is enclosed for your reference.

This document has been executed by Mark Sanders, and needs to be executed by Mr. Travis and recorded. Please provide me with a copy bearing the original counterpart signature of Mr. Travis, and a copy of the recorded document showing the recording information when available.

Also enclosed are the extra maps of the site which you requested in paragraph 7 of your email.

I hope this is sufficient to close out this phase of the BCDC approvals and appreciate your patience and assistance.

Very truly yours,



Kent Mitchell

KM:encl

**Subject: Permit No. 2-02, Mark Sanders (Westpoint Marina)**

**Date:** Thursday, April 5, 2007 4:48 PM

**From:** Jon Smith <jons@bcdcc.ca.gov>

**To:** JamcoTimes@aol.com

**Cc:** Brad McCrea bradm@bcdcc.ca.gov

Kent Mitchell  
Mitchell, Herzog & Klingsporn LLP  
550 Hamilton Ave, Ste. 230  
Palo Alto, CA 94301

Kent,

I am responding to the revised public access and open space exhibits that you submitted by email to me dated March 20, 2007. I cannot approve them at this time, although we are close. I have the following comments:

1. Although the total area of required public access meets the permit requirement of 298,000 square feet, Exhibit A to the permit shows the width of more inland of the two long public access areas shown on pages 4 and 5 of the map showing the legal descriptions as 30 feet while the maps show it as only 25 feet. This should be corrected.
2. The permit requires that 12 public parking spaces, three groups of four places each as shown on Exhibit A to the permit, be provided. The earlier version of the maps showing the public access legal descriptions also showed these public parking spaces, although one group of 4 spaces needed to be moved because of the relocation of a building. The current version of the legal descriptions and the maps do not show the 12 public parking spaces anywhere. The maps should show the three groups of four public parking spaces each as shown on Exhibit A to the permit except for the single group of four, which should be shown at the new location.
3. Contour lines on the maps are confusing where they overlap with the diagonal lines that are used to show the public access areas. The contour lines should be eliminated to avoid confusion.
4. In order to understand clearly how the multiple pages of plans work together, I had to cut and splice to create a single, large-scale version. Please provide a single full size drawing, either at a 50 scale or a 60 scale, that shows the entire public access area with the changes discussed above.
5. The legal descriptions and maps should not use the term "easement" anywhere for BCDCC purposes. BCDCC does not accept an easement. Instead, the permittee restricts the area described for the stated purpose, in this case public access, but otherwise retains full ownership of the property. So please delete any references to the term "easement."
6. The open space descriptions and maps look fine.
7. Procedurally, we agreed that once we have an acceptable understanding of the precise plan of public access, we would need a single sheet or multiple sheets no larger than 8 and 1/2 by 11 to use as a revised Exhibit A to the permit. Once that is complete, we would then use the exhibits and the body of the public access and open space agreement, with Exhibit B to that document consisting of the permit with the corrected Exhibit A to the permit. The single page map showing the public access will probably work ok as Exhibit A to the permit after you have made the necessary corrections as described above, but it is possible that the County Recorder may refuse to record if he determines that the print is too small to reproduce legibly. In that case, you would have to prepare a map that consists of multiple pages, probably 2 or 3, that could then be used as Exhibit A to the permit.

I understand that your client is very anxious to comply with the public access and open space requirements of the permit. If you or the person creating the legal descriptions and maps has any questions concerning this letter or how to proceed, please have that person contact me directly if you prefer. If the question or comment concerns something other than a legal requirement, I can put your

draftsman in touch with Brad McCrea, our staff Bay Design Analyst, who can work directly with him or her.

We are also always available to meet with you if you believe that would help expedite the process.

Very truly yours,

Jon

--  
Jonathan T. Smith  
Chief Counsel  
San Francisco Bay Conservation and  
Development Commission  
50 California Street, 26th Floor  
San Francisco, CA 94111  
415-352-3655  
415-352-3606 (fax)  
jons@bcdc.ca.gov

Brad

WESTPOINT HARBOR

**FACSIMILE TRANSMITTAL  
SHEET**

TARGET FAX NUMBER: 415-352-3606

DATE: February 28, 2007

TO: ✓ Jonathan Smith, BCDC  
Brad McCrea, BCDC

FROM: Mark Sanders

Cc: Pete Bohley, Bohley Consulting  
Kent Mitchell, Mitchell, Herzog and Klingsporn

SUBJECT: Your letter dated February 8, 2007 regarding Public Access

Jonathan and Brad,

In preparation for our teleconference this coming Friday morning, Pete Bohley (civil engineer) and I prepared the attached drawings which pertain to items 4, 5 and 6 in your February 8 letter. Kent Mitchell has made the other suggested changes.

**Item 4:** In the southwest corner of the site there was a public-access landscaped area and four associated parking spaces (drawing 1). The relocated boathouse and rowing center (moved closer to the boardwalk and retail area as suggested by BCDC) required a change to the landscaped area. The boathouse is now located in a sheltered area away from the original boatyard location which was hazardous. Drawing 2 shows the relocated public access parking spaces which are now adjacent to a public access landscaped area as before.

**Item 5:** The new location of the harbor master office is in a former public-access landscaped area and will be corrected in the legal description (drawing 3).

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PHONE: 650-224-3250 • FAX: 650-851-1907  
MSANDHILL@AOL.COM

February 28, 2007

Item 6: The public access parking spaces by the boat launch ramp remain, with 15 car/trailer spaces dedicated to public access per the Permit. This area was redesigned and expanded (three longer rows of car/trailer parking instead of two) for a more efficient layout and to provide additional parking given the expected uses of the ramp. (Drawing 4).

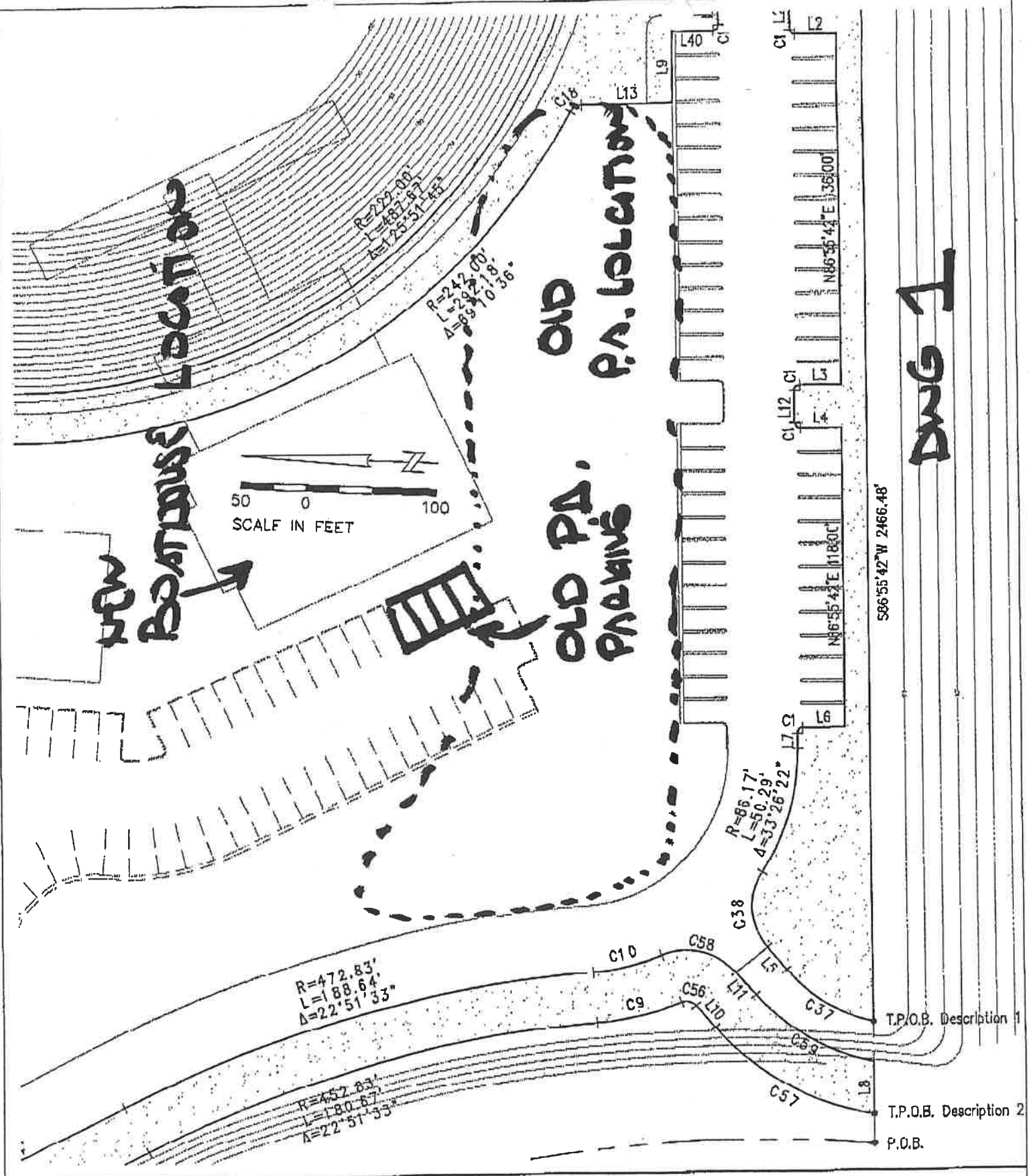
With these changes, the amount of public access has remained the same, as has the public access parking. Two more public-access crossings have been added connecting to Pacific Shores Center, and the Bay trail has been connected through Pacific Shores Center (both requested by BCDC), and finally other public access areas have been expanded too.

The new boathouse and harbor master offices locations are included in amendments to the Permit, and the revised public access and parking areas were reviewed by the Architectural Review Committee.

Regards,

mark

A handwritten signature in dark ink, appearing to be "Mark", followed by a long horizontal line.



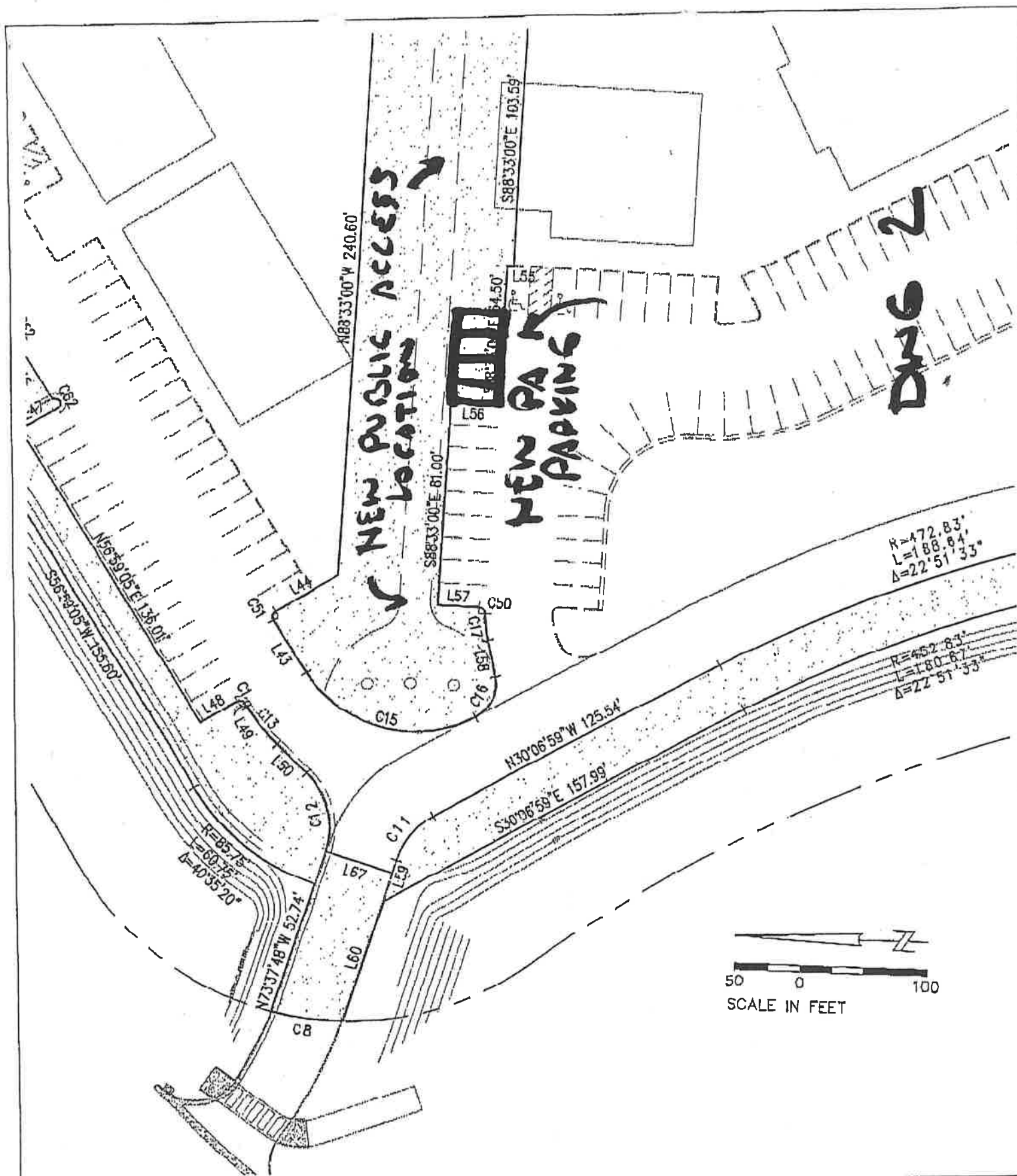
**DWG 1**

**BCDC PUBLIC ACCESS EASEMENT**  
**WESTPOINT MARINA AND BOATYARD**

**BOHLEY  
CONSULTING**

1875 SOUTH GRANT STREET, SUITE 550  
 SAN MATEO, CA 94402  
 650-358-1484 • FAX 650-358-1487

DATE:	12/20/06
SCALE:	1"=50'
DWG:	BCDC\Public-access
JOB No.	99019



**BCDC PUBLIC ACCESS EASEMENT**  
**WESTPOINT MARINA AND BOATYARD**

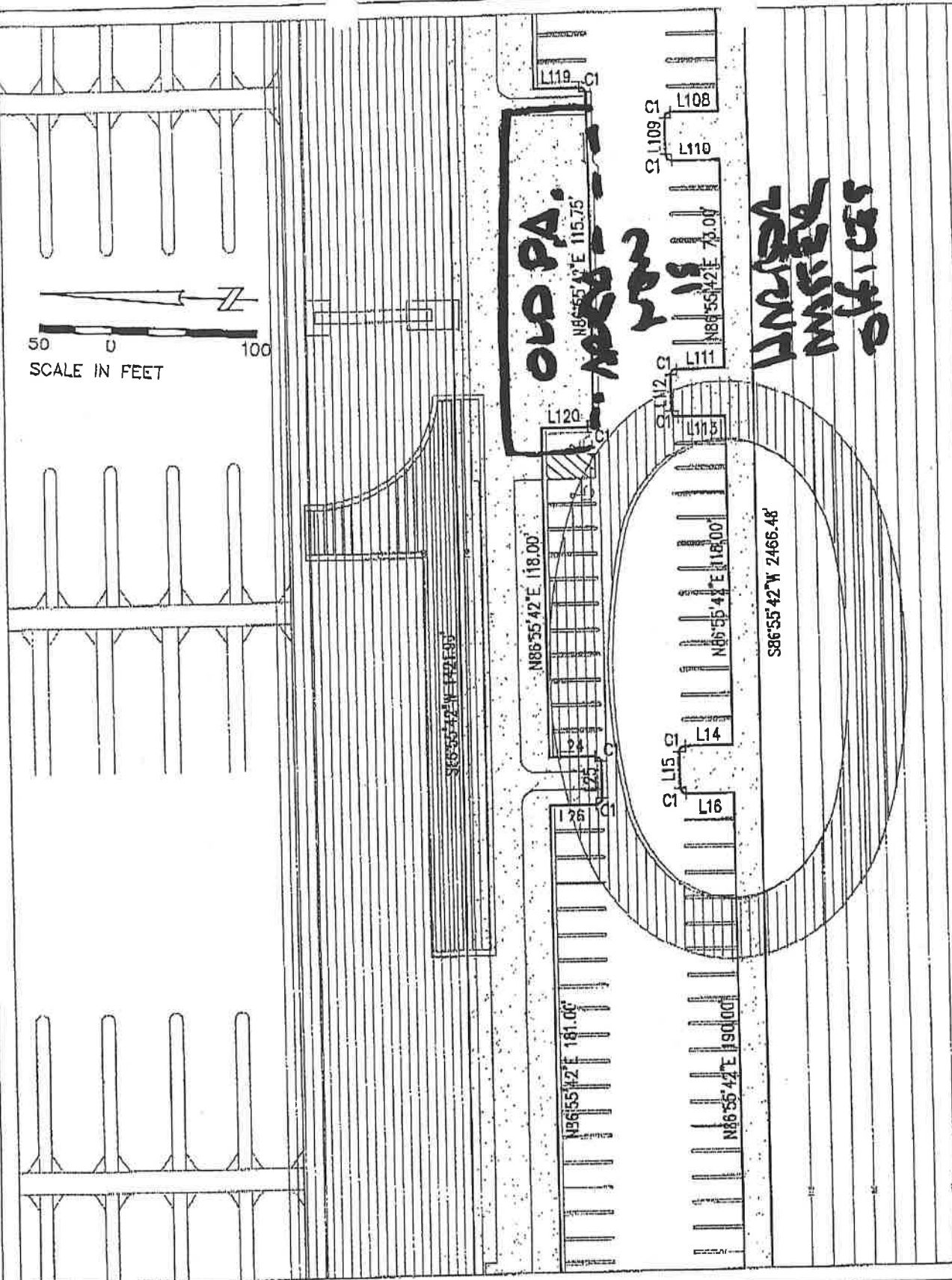
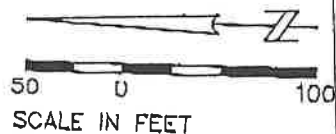
PAGE 7 OF 19

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Drawing 3

# BCDC PUBLIC ACCESS EASEMENT

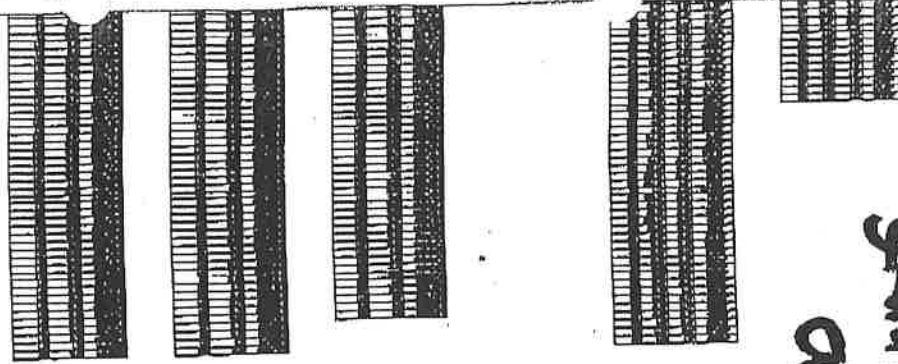
WESTPOINT MARINA AND BOATYARD

PAGE 10 OF 19

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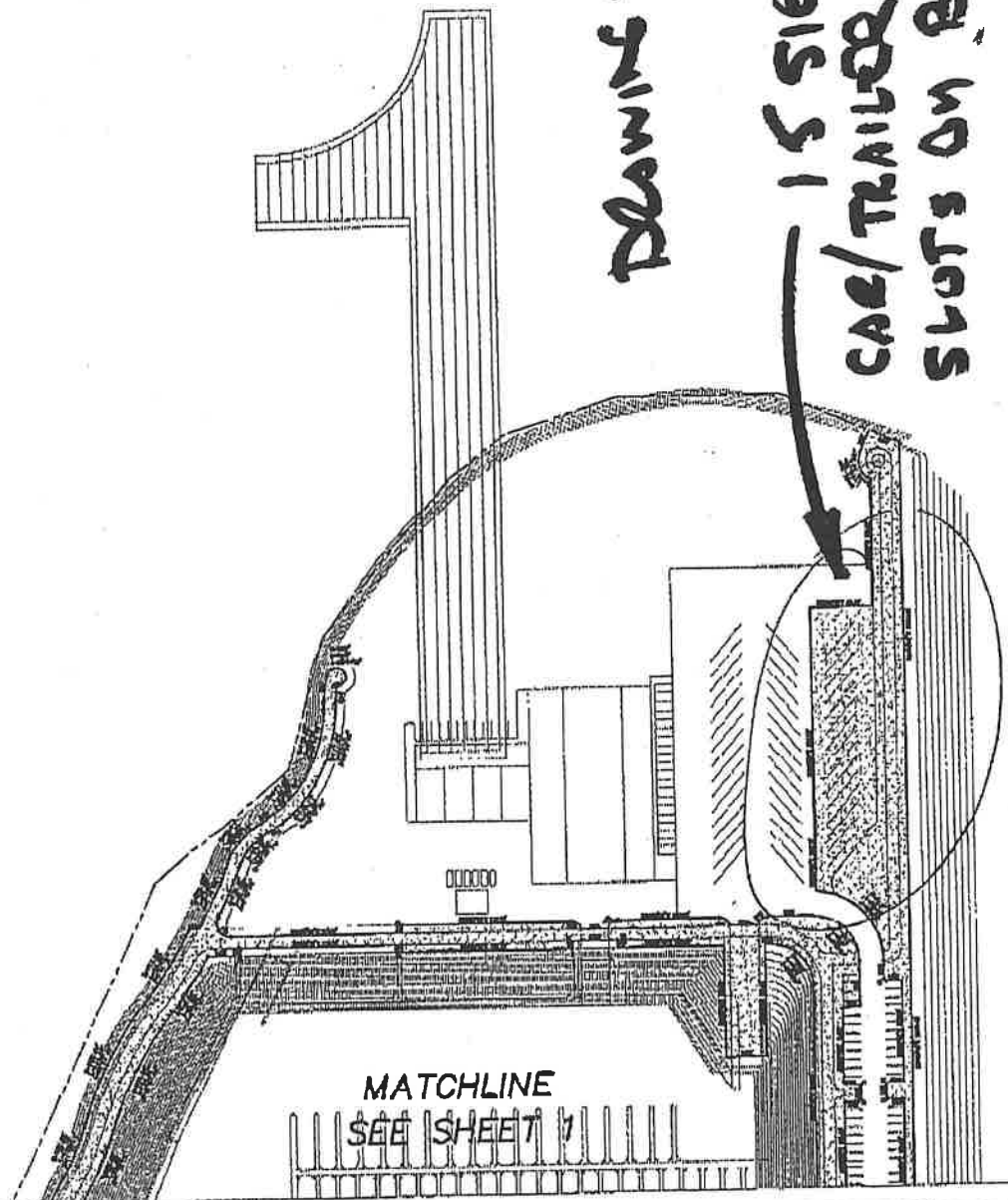
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JOB No.	99019



Downy +

15 SIGNED  
CAR/TRAILER PARKING  
SPOTS ON BOAT YARD



MATCHLINE  
SEE SHEET 1

BCDC OPEN SPACE EASEMENT  
WESTPOINT MARINA AND BOATYARD

PAGE 2 OF 2

**BOHLEY  
CONSULTING**

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